

STATE OF SOUTH CAROLINA

(Caption of Case)

Petition of the Office of Regulatory Staff  
for a Rule-Making Proceeding to Examine  
the Requirements and Standards to be used by  
the Commission when Evaluating Applications  
for Eligible Telecommunications Carrier  
(ETC) Status and when Making Annual  
Certification of ETC Compliance to the  
Federal Communication Commission

BEFORE THE  
PUBLIC SERVICE COMMISSION  
OF SOUTH CAROLINA

## COVER SHEET

## DOCKET

NUMBER: 2006 - 37 - C

(Please type or print)

Submitted by: Scott Elliott

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NOTE: The cover sheet and information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is required for use by the Public Service Commission of South Carolina for the purpose of docketing and must be filled out completely.

## DOCKETING INFORMATION (Check all that apply)

☐ Emergency Relief demanded in petition☐ Request for item to be placed on Commission's Agenda expeditiously☐ Other:

INDUSTRY (Check one)	NATURE OF ACTION (Check all that apply)			
<input type="checkbox"/> Electric	<input type="checkbox"/> Affidavit	<input type="checkbox"/> Letter	<input type="checkbox"/> Request	
<input type="checkbox"/> Electric/Gas	<input type="checkbox"/> Agreement	<input type="checkbox"/> Memorandum	<input type="checkbox"/> Request for Certification	
<input type="checkbox"/> Electric/Telecommunications	<input type="checkbox"/> Answer	<input type="checkbox"/> Motion	<input type="checkbox"/> Request for Investigation	
<input type="checkbox"/> Electric/Water	<input type="checkbox"/> Appellate Review	<input type="checkbox"/> Objection	<input type="checkbox"/> Resale Agreement	
<input type="checkbox"/> Electric/Water/Telecom.	<input type="checkbox"/> Application	<input type="checkbox"/> Petition	<input type="checkbox"/> Resale Amendment	
<input type="checkbox"/> Electric/Water/Sewer	<input type="checkbox"/> Brief	<input type="checkbox"/> Petition for Reconsideration	<input type="checkbox"/> Reservation Letter	
<input type="checkbox"/> Gas	<input type="checkbox"/> Certificate	<input type="checkbox"/> Petition for Rulemaking	<input type="checkbox"/> Response	
<input type="checkbox"/> Railroad	<input checked="" type="checkbox"/> Comments	<input type="checkbox"/> Petition for Rule to Show Cause	<input type="checkbox"/> Response to Discovery	
<input type="checkbox"/> Sewer	<input type="checkbox"/> Complaint	<input type="checkbox"/> Petition to Intervene	<input type="checkbox"/> Return to Petition	
<input checked="" type="checkbox"/> Telecommunications	<input type="checkbox"/> Consent Order	<input type="checkbox"/> Petition to Intervene Out of Time	<input type="checkbox"/> Stipulation	
<input type="checkbox"/> Transportation	<input type="checkbox"/> Discovery	<input type="checkbox"/> Prefiled Testimony	<input type="checkbox"/> Subpoena	
<input type="checkbox"/> Water	<input type="checkbox"/> Exhibit	<input type="checkbox"/> Promotion	<input type="checkbox"/> Tariff	
<input type="checkbox"/> Water/Sewer	<input type="checkbox"/> Expedited Consideration	<input type="checkbox"/> Proposed Order	<input type="checkbox"/> Other: _____	
<input type="checkbox"/> Administrative Matter	<input type="checkbox"/> Interconnection Agreement	<input type="checkbox"/> Protest		
<input type="checkbox"/> Other: _____	<input type="checkbox"/> Interconnection Amendment	<input type="checkbox"/> Publisher's Affidavit		
	<input type="checkbox"/> Late-Filed Exhibit	<input type="checkbox"/> Report		

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July 16, 2007

VIA HAND DELIVERY

Mr. Charles L.A. Terreni  
Chief Clerk/Administrator  
South Carolina Public Service Commission  
101 Executive Center Dr., Suite 100  
Columbia, SC 29210

RECEIVED  
2007 JUL 16 PM 3:44  
SC PUBLIC SERVICE  
COMMISSION

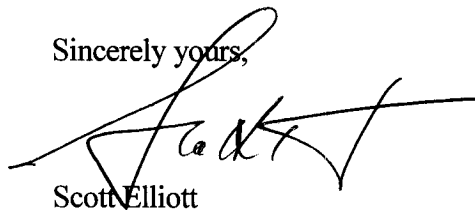
RE: Petition of the Office of Regulatory Staff for a Rule-Making Proceeding to Examine the Requirements and Standards to Be Used by the Commission When Evaluating Applications for Eligible Telecommunications Carrier (ETC) Status and When Making Annual Certification of ETC Compliance to the Federal Communications Commission  
Docket No. 2006-37-C

Dear Mr. Terreni:

Enclosed for filing with the Public Service Commission of South Carolina on behalf of United Telephone Company of the Carolinas d/b/a Embarq, Embarq Communications, Inc., the Office of Regulatory Staff and Alltel Communications, Inc. (collectively, the "Group") are the Group's comments regarding the designation requirements for eligible telecommunications carriers in South Carolina.

Please file the extra copy of this letter and return to me via my courier. If I can be of assistance, please call me at your convenience.

Sincerely yours,



Scott Elliott

SE/jcl

Enclosures

cc: All Parties of Record  
H. Edward Phillips, Esq.

ORIGINAL

BEFORE THE  
PUBLIC SERVICE COMMISSION  
OF SOUTH CAROLINA

In Re: )  
)  
Petition of the Office of Regulatory Staff for a )  
Rule-Making Proceeding to Examine the )  
Requirements and Standards to be Used by the )  
Commission When Evaluating Applications for )  
Eligible Telecommunications Carrier (ETC) Status )  
and When Making Annual Certification of ETC )  
Compliance to the Federal Communications Commission )

Docket No. 2006-37-C

COMMENTS OF UNITED TELEPHONE COMPANY OF THE  
CAROLINAS D/B/A EMBARQ, EMBARQ COMMUNICATIONS, INC., OFFICE OF  
REGULATORY STAFF and ALLTEL COMMUNICATIONS, INC.  
CONCERNING ETC DESIGNATION REQUIREMENTS

On June 26, 2007, the Public Service Commission of South Carolina ("Commission") held a hearing in the above-referenced matter to solicit testimony and comments from interested parties concerning the designation requirements contained in the Commission's proposed rules for eligible telecommunications carriers ("ETCs"). At that hearing, the Commission ordered that parties file comments by July 16, 2007, concerning the appropriate designation standards the Commission should adopt after the close of the record in this matter. Pursuant to the Commission's request, United Telephone Company of the Carolinas d/b/a Embarq and Embarq Communications, Inc., the Office of Regulatory Staff ("ORS") and Alltel Communications, Inc. (collectively, the "Group") respectfully submit the following comments for consideration.

As a result of participating in the June 26, 2007, hearing, the Group has determined that the following comments need be made to clarify the record. First, during the course of the

hearing, counsel for BellSouth Telecommunications, Inc. d/b/a/ AT&T of South Carolina (“AT&T”) made comments concerning proposed Rule Section 103-690 C (1)(A). AT&T was concerned that the requirement proposed by the Group did not involve the Commission in any disputes brought regarding the reasonableness of a request by a customer for service from an ETC.

Nothing contained in the Group’s proposal under Rule Section 103-690 C (1)(A) should be taken to suggest that the Commission would never be involved in this type of dispute process. ORS involvement occurs, under the Group’s proposal, when the matter cannot be resolved between the ETC and the requesting customer. This is akin to the process already in place to handle customer service complaints. Under the Group’s proposal, ORS acts as the first arbiter of these types of disputes. However, if the dispute cannot be resolved even after ORS involvement, then the ETC and requesting customer must take the dispute before the Commission for final resolution. Under the Group’s proposal, the Commission always remains the final arbiter.

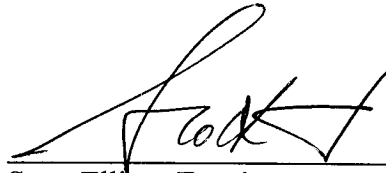
The second issue the Group wishes to provide comments concern the suggestion made by the South Carolina Telephone Coalition (“SCTC”) regarding the SCTC’s belief that a five-year build-out plan be filed with the applicant when seeking ETC designation from the Commission. None of the members of the Group, the Commission Staff or other interested parties in this docket have held to the belief that a five-year build-out plan is necessary. Rather, the Commission Staff, and all other parties with the exception of the SCTC have supported the filing of a two-year build-out plan. The Group will not reiterate all of the comments made by the parties in the record concerning a two-year build-out plan except to say that such a plan acknowledges the reality of network planning and deployment.

Finally, in addition to the SCTC's position concerning the build-out plan, the SCTC also submitted another set of proposed rules for designation of ETCs in South Carolina. While Embarq originally held very similar positions to the SCTC, however, Embarq has taken into consideration the views of the ORS, which represents the public interest as defined in S.C. Code Ann. § 58-4-10 , as well as the views of Alltel, a wireless telecommunications services provider authorized to provide service throughout the State of South Carolina. Through the spirit of compromise and good-faith negotiations, Embarq and Alltel have worked with ORS to produce a set of proposed guidelines that were submitted to the Commission for consideration on June 1, 2007, which are inherently reasonable. The Group's proposed designation rules provide a realistic view of the new telecommunications landscape that is developing in the country and more specifically, in the State of South Carolina. The Group submits that proposed rules developed by entities such as the members of the Group should be reviewed more favorably by the Commission because of the divergent interests and the ability of the member entities to work past those divergent interests to produce a set of proposed rules that take into consideration the impact of the rules on the public, ILECs and wireless carriers.

The Group respectfully requests that the Commission adopt its revised designation requirements filed with the Commission on June 1, 2007. The designation requirements proposed by the Group provide some level of regulatory parity between ETCs and competitive eligible telecommunications carriers ("C-ETCs") as well as provide ample incentives to C-ETCs to invest in their networks while receiving USF support. Thus, the Group believes that its proposed designation guidelines will ensure that C-ETCs serve even the high cost areas in their designated service territories, which is the purpose of USF support.

WHEREFORE, based on the foregoing, United Telephone Company of the Carolinas d/b/a Embarq, Embarq Communications, Inc., ORS and Alltel Communications, Inc. respectfully request the Commission adopt the Group's proposed designation rules as the standard for all applicants seeking ETC status in the State of South Carolina.

Respectfully submitted on this 16<sup>th</sup> day of July, 2007 by:



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CERTIFICATE OF SERVICE

The undersigned employee of Elliott & Elliott, P.A. does hereby certify that she has served below listed parties with a copy of the pleading(s) indicated below by mailing a copy of same to them in the United States mail, with sufficient postage affixed thereto and return address clearly marked on the date indicated below:

RE: Petition of the Office of Regulatory Staff for a Rule-Making Proceeding to Examine the Requirements and Standards to be Used by the Commission When Evaluating Applications for Eligible Telecommunications Carrier (ETC) Status and When Making Annual Certification of ETC Compliance to the Federal Communications Commission

DOCKET NO.: 2006-37-C

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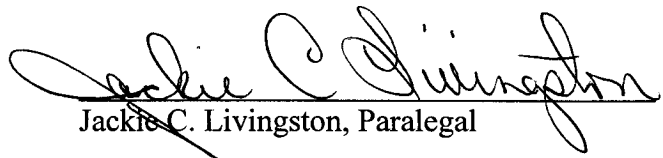
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PLEADING: Comments of United Telephone Company of the Carolinas d/b/a Embarq  
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Alltel Communications, Inc.

  
Jackie C. Livingston, Paralegal

July 16, 2007